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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,449	12/30/1999	David Johnston LYNCH	RCA-89-893	6338

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JOSEPH S TRIPOLI  
THOMSON MULTIMEDIA LICENSING INC  
P O BOX 5312  
PRINCETON, NJ 085435312

EXAMINER

CHUNG, JASON J

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/24/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/475,449

Applicant(s)

LYNCH, DAVID JOHSTON

Examiner

Jason J. Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 21 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 9-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: There was no application number for the disclosed co-pending related art that was disclosed in page 2 of the specification. Examiner requests attorney to supply application number relevant to related art.

Appropriate correction is required.

### ***Claim Objections***

2. Claims 9-13 objected to because of the following informalities: Claims 9-13 depend on claim 8. Claims 9-13 is an apparatus, whereas claim 8 is a microprocessor. There is no antecedence to apparatus in claim 8, however a microprocessor is an apparatus. The examiner examines claims 9-13 as a microprocessor. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

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122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, 6-8, 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Casement.

Regarding claim 1, Casement discloses a television schedule system for controlling access to TV programs (column 2, lines 50-52), which is a video signal processing system for producing an output signal for coupling to a display device. Casement discloses a parental control system (figure 2A), which is a supervisor control system that permits a supervisor to enter ratings (figures 2B, 2D), spending (figure 2H), and/or time limits (figure 2E), which permits the supervisor to change the channel locks as shown at the bottom of each figure, which is the same as temporarily modify the limits by entering and override. Casement discloses a system, which remembers previous channel locks (column 4, line 67-column 5, lines 1-5), which is the same as storing recently completed overrides in memory. Casement discloses displaying the recently completed overrides (column 4, line 67-column 5, lines 1-5), which is the same as allowing stored overrides to be recalled.

Regarding claim 2, Casement discloses a system, which displays channel locks that can be modified (figure 2E) and remembers previous channel locks and displays them when pop-up menu 62 appears (column 4, line 61-column 5, line 5), which is the same as displaying a list of stored completed overrides that allows the supervisor to create a new temporary override by modification of the selected previously used override.

Regarding claim 3, Casement discloses a system, which displays a list of currently active temporary overrides as shown by the statement "every day" describing the lock status (figure

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2E), which includes the corresponding time periods. The limitations on displaying the completed overrides have been covered in claim 2 rejection.

Regarding claim 4, claim 4 is similar to claim 1, the differences being that the claims are worded differently and claim 4 is a system to control viewing or recording of television programs, whereas claim 1 is a video signal processing system for producing an output signal suitable for coupling to a display device. Casement discloses a system with a TVs 30, 34 and VCRs 32, 36 for controlling viewing or recording of television programs.

Regarding claim 6, claim 6 is similar to claim 1, the differences being that the claims are worded differently and claim 6 is a method for blocking viewing or recording of television programs which are outside a range selected by a supervisor, whereas claim 1 is a video signal processing system for producing an output signal suitable for coupling to a display device. Casement discloses a method for blocking viewing of television programs outside of selected ranges by a supervisor (column 1, lines 31-37). Claim 6 also has a limitation claim 1 did not have. Casement discloses the limitation in claim 6 for revised ratings range for one or more channels to be unblocked for one or more specific time periods (figure 2C).

Regarding claim 7, the limitations on claim 7 for displaying a list of active overrides have been covered in claim 3 rejection. The limitations for expired overrides have been covered in claim 2 rejection. Claim 7 is a method, whereas claim 2 and 3 are systems that use the method.

Regarding claim 8, claim 6 is similar to claim 8, the differences being that the claims are worded differently and claim 8 is a microprocessor, which performs the methods of claim 6. The limitation on displaying the expired temporary overrides for reuse has been covered in claim 6 rejection.

Regarding claim 11, Casement discloses previously entered locks appearing when pop-up 62 (figure 2E) is shown (column 4, line 67-column 5, line 5), which is the same as sets of expired overrides displayed when the supervisor responds to on-screen display menu prompts and enters an override routine.

Regarding claim 12, Casement discloses previously entered locks appearing when the pop-up menu 62 appears, which contains active override routines as seen by “every day” describing the lock status (figure 2E) **and** displays them when pop-up 62 is shown (column 4, line 67-column 5, line 5), which is the same as displaying them on a single on-screen display list.

Regarding claim 13, Casement discloses the previously entered locks being displayed on a single screen when the pop-up menu 62 appears (figure 2E). The pop-up menu displays active locks and expired locks as previously covered in claim 3 rejection. All the previously mentioned in this paragraph is the same as the supervisor having the option of automatically sorting the single on-screen display according to status if the lock by time function is selected (column 4, line 67-column 5, line 5). The claim states status **or** date. The examiner has elected to examine status, however, the limitation on expiration time has been covered in claim 5 rejection stated below.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casement.

Regarding claim 5, Casement fails to disclose the supervisor naming sets of override parameters and selecting the named expired sets of override parameters. The examiner takes official notice that saving the setup under file names (user named icons or user named files which can be displayed by date) on a computer system is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Casement to name the saved expired override parameters in order to organize the expired override parameters according to the date.

Regarding claim 9, Casement fails to disclose the given number of most recently expired sets of temporary overrides are automatically stored. The examiner has taken official notice that auto-save storing parameters is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Casement to have a given number of most recently stored overrides automatically stored in order to prevent information loss if the user did not save information and the microprocessor crashes.

Regarding claim 10, Casement fails to disclose the number being ten. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Casement to store ten expired overrides to have multiple recent overrides to choose from and not have a massive amount that would take up a lot of memory.

### ***Conclusion***

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gilboy discloses parameters of television programming determined by user inputs in US Patent # 5,465,113. Cragun discloses overriding restrictions of television programming by user inputs in US Patent # 5,973,683. Kinghorn discloses overriding restrictions of television programming by user inputs in US Patent # 6,020,882. Kim discloses overriding restrictions of television programming by user inputs in US Patent # 5,995,133. Stas discloses overriding restrictions of television programming by user inputs in US Patent # 6,025,869. August discloses overriding restrictions of television programming by user inputs in US Patent # 6,100,916. Yoshida discloses overriding restrictions of television programming by user inputs in US Patent # 6,137,486. Gakumura discloses overriding restrictions of television programming by user inputs in US Patent # 6,230,320. Perlman discloses overriding restrictions of television programming by user inputs in US Patent # 6,125,259.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.



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JJC

October 21, 2002



ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600